



Rep. Charles E. Meier

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LRB098 18671 HEP 57318 a

1 AMENDMENT TO HOUSE BILL 5625

2 AMENDMENT NO. _____. Amend House Bill 5625 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Access to Cemeteries on Private Property Act.

6 Section 5. Access to cemeteries located on private
7 property.

8 (a) Owners of private property on which a cemetery or
9 graves are located have a duty to allow ingress and egress to
10 the cemetery or graves by the following individuals who have
11 given reasonable notice, as provided in subsection (b), to the
12 owner of record or to the occupant of the property or both:

13 (1) family members and descendants of deceased persons
14 buried there; or

15 (2) any cemetery plot owner.

16 (b) In order to exercise the ingress and egress provided in

1 subsection (a), a person must give written notice to the owner
2 of record, an agent of the owner of record, or an occupant of
3 the private property acting on behalf of and with permission of
4 the owner of record that:

5 (1) he or she or the person for whom he or she requests
6 ingress and egress meets the statutory requirements
7 provided in subsection (a); and

8 (2) he or she requests a written proposal designating
9 reasonable conditions for the exercise of ingress and
10 egress as provided in subsection (c).

11 (c) No later than 30 days after receipt of the written
12 notice to exercise the ingress and egress, the owner of record,
13 an agent of the owner of record, or an occupant of the private
14 property acting on behalf and with permission of the owner of
15 record must respond with a written proposal designating
16 reasonable conditions for ingress and egress, including, but
17 not limited to, routes to be used for access, duration of
18 access, and time restrictions for access.

19 (d) The exercise of ingress and egress on the property by
20 persons authorized in subsection (a) must be exercised as
21 reasonably restricted in time and manner by the owner of
22 record, an agent of the owner of record, or an occupant of the
23 private property acting on behalf and with permission of the
24 owner of record. The exercise of ingress and egress must not
25 substantially and unreasonably interfere with the use,
26 enjoyment, or economic value of the property by the owner or an

1 occupant of the private property.

2 (e) A landowner may not erect a wall, fence, or other
3 structure or device that prevents ingress and egress to the
4 cemetery or graves unless the wall, fence, or other structure
5 or device has a gate or other means by which ingress and egress
6 can be accomplished by persons specified in this Section. The
7 landowner may designate the frequency of the access, the hours
8 and duration of the access, and the access route if no
9 traditional access route is obviously visible by a view of the
10 property.

11 (f) The landowner, in the absence of gross negligence or
12 willful misconduct, is immune from liability in any civil suit,
13 claim, action, or cause of action arising out of the access
14 granted pursuant to this Section.

15 (g) The right of ingress and egress granted to persons
16 specified in subsection (a) of this Section shall be reasonable
17 and limited to the purposes of visiting graves and maintaining
18 the gravesite or cemetery. The right of ingress and egress may
19 not be construed to provide a right to operate motor vehicles
20 on the property for the purpose of accessing a cemetery or
21 gravesite unless there is a road or adequate right-of-way that
22 permits access by a motor vehicle and the owner has given
23 written permission to use the road or right-of-way of
24 necessity.

25 (h) Any person entering onto private property to access a
26 gravesite or cemetery is responsible for conducting himself or

1 herself in a manner that does not damage the private lands, the
2 cemetery, or the gravesites and is liable to the owner of the
3 property for any damage caused as a result of his or her
4 access.

5 Section 10. Applicability. This Act does not apply to any
6 deed or other written instrument that creates or reserves a
7 cemetery or gravesite on private property.".